

## **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on May 1, 2008. By way of the present response applicant has: 1) amended claims 13, 18, 24, and 30; 2) added no claims; and 3) canceled no claims. As such, claims 8-30 are pending. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

### **Claim Objections**

The Office Action objected to claims 13-15 and 18-30 due to lack of antecedent basis and lack of definition of an abbreviation. Regarding claim 18, Applicants respectfully submit that the claim contains proper antecedent basis for the objected claim feature, "the transform parameters," as follows: "d. registering said reconstructed images with said x-ray images by computing **a set of 3D transformation parameters....**" (Claim 18, emphasis added). Regarding the abbreviation, "DRRs," Applicants have amended the claims to define the abbreviation as "digitally reconstructed radiographs" which is supported by paragraph [0004], on page 3 of the detailed description.

The Office Action objected to claims 24 and 29 for lack of clarity as to what additional structural element has been set forth. Applicants respectfully submit that claims 24 and 29 describe embodiments that include the structural elements of the claims upon which claims 24 and 29 respectively depend. No additional structural element is required: "One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application." (37 CFR 1.75(c), see also MPEP 608.01(n)). Claim 24 includes the

“means for generating at least one reconstructed 2D image of said target...” of claim 23. Claim 29 includes the “means for individually registering each x-ray projection image A and B with their respective set of reconstructive images by determining a separate set of transformation parameters...” of claim 28.

Accordingly, Applicants respectfully requests the withdrawal of the objections to claims 13-15, 18-30.

### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected claims 8-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,782,287 by Grzeszczuk et al., (hereinafter, “Grzeszczuk”) in view of U.S. Patent 7,171,257 by Thomson, et al. (hereinafter, “Thomson”).

Applicants submit that the present application and Thomson were, at the time of the invention of the present application, owned by or subject to an obligation of assignment to Accuray, Incorporated. As such, Thomson may not be used in rejecting claims of the present application under 35 U.S.C. § 103(c). Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 8-30.

## **CONCLUSION**

Applicants respectfully submit that in view of the arguments set forth herein, the applicable objections and rejections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Ryan Elliott at (408) 720-8300. If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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